

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

U.S. EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	Case No. 71-cv-02877(LAK)(RWL)
)	
)	
v.)	
)	
)	
INTERNATIONAL ASSOCIATION OF)	
BRIDGE STRUCTURAL AND)	
ORNAMENTAL IRONWORKERS LOCAL)	
580, et al.,)	
)	
Defendants.)	
)	

JOINT MOTION TO APPROVE CONSENT DECREE

Plaintiff U.S. Equal Employment Opportunity Commission (“EEOC”), Defendant Local 580 of the International Association of Bridge, Structural, and Ornamental Ironworkers (“Local 580”), Defendant Joint Apprentice-Journeymen Educational Fund of the Architectural Ornamental Iron Workers Local 580 (“AJEF”), and Defendant Allied Building Metal Industries (“Allied”) (collectively, the “Parties”) hereby jointly move for entry of the Proposed Consent Decree attached hereto.

In support of this motion, the Parties state:

- 1) In 1971, the United States Government filed a complaint alleging that Local 580, then a nearly all-white labor union, was engaged in a pattern or practice of resistance to the full enjoyment by nonwhite individuals of rights guaranteed by Title VII. The AJEF and Allied were joined as parties necessary for relief.
- 2) A Consent Judgment was entered in 1978 to resolve the claims against Local 580,

the AJEF, and Allied (“Local 580 Defendants”).

- 3) Local 580 and the AJEF were held in contempt on several occasions for violations of the Consent Judgment between 1978 and 1997.
- 4) Today, the factual circumstances of this case are quite different. Nearly half of Local 580’s membership and one third of its leadership is Black or Hispanic. The approach of Local 580 and the AJEF to this litigation today is cooperative and in stark contrast to the periods in the 1980s and 1990s that were the subject of the contempt findings. Moreover, the EEOC has no reason to believe that Local 580 or the AJEF have engaged in any recent violations of Title VII.
- 5) In light of these changed factual circumstances, all Parties agree that relief from the existing orders and judgments in this case is appropriate.
- 6) After extensive negotiations, the Parties have agreed to the Proposed Consent Decree and jointly seek its approval by the Court.
- 7) The Proposed Consent Decree would establish a transitional set of obligations for the Local 580 Defendants for a term of three years, with monitoring by and reporting to the EEOC.
- 8) The Proposed Consent Decree is designed to preserve the progress made during this litigation through policy modifications, EEO training, expanded recruiting, continued operation of a referral hall, and the establishment of a new EEO/Compliance Officer position within Local 580.
- 9) The Proposed Consent Decree contains provisions for monitoring and enforcement by the EEOC that are commonplace in EEOC consent decrees, and the Decree would conclude the appointment of the Rule 53 special master in this

case with respect to the Local 580 Defendants.

- 10) The Proposed Consent Decree is fair and reasonable, does not disserve the public interest, and relief from the prior orders and judgments that the Decree would supersede is warranted by changes in the factual conditions in this litigation over the years.

For the foregoing reasons, and those set forth more fully in the supporting memorandum of the EEOC, the Parties jointly and respectfully request that the Proposed Consent Decree be approved.

Dated: November 19, 2020

Respectfully submitted,

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

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LOCAL 580 AND THE AJEF

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CERTIFICATE OF SERVICE

I hereby certify that on today's date the parties' Joint Motion for Approval of Consent Decree, the EEOC's memorandum in support thereof, and the Declaration of Justin Mulaire will be served electronically on all counsel of record via the court's electronic filing system.

Dated: November 19, 2020

Respectfully submitted,

s/ Justin Mulaire

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